

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	
ENERGY FUTURE HOLDINGS CORP., <i>et al.</i>	)	
MUDRICK CAPITAL MANAGEMENT, L.P.,	)	
<i>Appellant,</i>	)	Civil Action No. 15-1132 (RGA)
v.	)	
ENERGY FUTURE HOLDINGS CORP., <i>et al.</i>	)	Bankruptcy Case No. 14-10979 (CSS)
DEBTORS AND DEBTORS IN POSSESSION,	)	BAP No. 15-77
<i>Appellee.</i>	)	

**RECOMMENDATION**

At Wilmington this 6 day of January, 2016.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

The parties to this appeal have attempted mediation previously, which was unsuccessful, and do not believe that mediation at the appellate level would be productive.

The parties are currently negotiating a briefing schedule for this appeal and report that they will submit a joint briefing schedule by Wednesday, January 13, 2016.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28

U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Since the parties requested that matter be removed from mandatory mediation, no objections to this Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(a) and D. Del. L.R. 72.1 are anticipated.

Local counsel are obligated to inform out-of-state counsel of this Order.



UNITED STATES MAGISTRATE JUDGE